

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN TOJEK,

Plaintiff,

v.

WHATCOM COUNTY, *et al.*,

Defendants.

CASE NO. 2:21-cv-00426-RSM-JRC

AMENDED SCHEDULING ORDER

The Clerk shall strike the previously filed scheduling order (Dkt. 32) and replace it with the following amended order.

The Court has reviewed the parties' Joint Status Report. Dkt. 31. Although the Report was untimely filed, without explanation, the Court will accept the Report. The Court schedules this case for a five-day jury trial beginning **September 26, 2022, at 9:00 a.m. before the Honorable Ricardo S. Martinez, Courtroom 13206** with the following pretrial schedule:

Event	Date
Deadline for joining additional parties	September 30, 2021

1	Deadline for amending pleadings	September 30, 2021
2	Plaintiff's expert disclosures under Fed. R. Civ. P. 26(a)(2)	February 7, 2022
3	Defendant's expert disclosures under Fed. R. Civ. P. 26(a)(2)	March 7, 2022
4	Rebuttal expert disclosures	April 4, 2022
5	All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) and LCR 37(a)(2)	
6	Discovery completed by	June 3, 2022
7	All dispositive motions must be filed by (<i>see</i> LCR 7(d))	July 1, 2022
8	Mediation pursuant to LCR 39.1(c) held no later than	July 1, 2022
9	All motions in limine must be filed by this date and noted on the motion calendar no later than the THIRD Friday after filing.	August 29, 2022
10	Motions in limine raised in trial briefs will not be considered.	
11	Agreed LCR 16.1 Pretrial Order due	September 14, 2022
12	Pretrial conference	To be set by the
13		Court
14	Trial briefs, proposed voir dire, jury instructions and exhibits by	September 21, 2022
15		
16		

17 This order sets firm dates that can be changed only by order of the Court, not by
18 agreement of counsel for the parties. The Court will alter these dates only upon good cause
19 shown. Failure to complete discovery within the time allowed is not recognized as good cause.
20 If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal
21 holiday, the act or event shall be performed on the next business day.

22 If the trial dates assigned to this matter creates an irreconcilable conflict, counsel must
23 notify Deputy Clerk Kelly Miller at Kelly_miller@wawd.uscourts.gov, within 10 days of the
24 date of this Order and must set forth the exact nature of the conflict. A failure to do so will be

1 deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be
2 understood that the trial may have to await the completion of other cases.

3 **ALTERATIONS TO ELECTRONIC FILING PROCEDURES**

4 As of June 1, 2004, counsel shall be required to electronically file all documents with the
5 court. Pro se litigants may file either electronically or in paper form. Information and
6 procedures or electronic filing can be found on the Western District of Washington's website at
7 <https://www.wawd.uscourts.gov>.

8 The following alterations to the Electronic Filing Procedures apply in all cases pending
9 before Judge Martinez:

- 10 • Section III, Paragraph F: When the aggregate submittal to the Court (i.e., the motion, any
11 declarations and exhibits, the proposed order, and the certification of service) exceeds 50
12 pages in length, a paper copy of the document (3-hole punched, with dividers, banded or
13 clipped as needed. No binders.) must be delivered to the Clerk's Office by 10:30 a.m. the
14 day after filing. The chambers copy must be clearly marked with the words "Courtesy
15 Copy of Electronic Filing for Chambers." Counsel and *pro se* parties should familiarize
16 themselves with temporary directions regarding Courtesy Copies during the COVID-19
17 outbreak. See <https://www.wawd.uscourts.gov/judges/martinez-chambers>.
- 18 • Section III, Paragraph L: Unless the proposed order is stipulated, agreed, or otherwise
19 uncontested, the parties need not email a copy of the order to the judge's orders email
20 address.

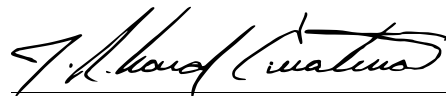
21 ///

Discovery and Settlement

As required by LCR 37(a), all discovery matters are to be resolved by agreement if possible. Counsel shall also cooperate in preparing the agreed pretrial order in the format required by LCR 16.1.

The Court designates this case for mediation under LCR 39.1(c), and the parties are directed to follow through with the procedures set forth in that rule. Should this case settle before Judge Martinez has ruled on dispositive motions, counsel shall notify Judge Creatura's courtroom deputy at Kelly_Miller@wawd.uscourts.gov. Should this case settle after Judge Martinez has ruled on dispositive motions, counsel shall immediately notify Judge Martinez's courtroom deputy at (206) 370-8521. Pursuant to LCR 11(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

Dated this 2nd day of September, 2021.



J. Richard Creatura
Chief United States Magistrate Judge